

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS

CYNTHIA TRETTER,

Plaintiff,

v.

MICHAEL'S STORES, INC. and  
DOUGLAS COLYER,

Defendants.

Case No. 09-cv-947-JPG

**MEMORANDUM & ORDER**

This matter comes before the Court on Defendants' Motion to Dismiss (Doc. 12) pursuant to Federal Rule of Civil Procedure 12(b)(6) and Memorandum (Doc. 13) in support thereof. Plaintiff filed a "Response" (Doc. 15), which does not address the arguments made in Defendants' memorandum; rather, said response requests leave to file a second amended complaint. Plaintiff explains that her proposed complaint would largely address the concerns discussed throughout Defendants' memorandum. In turn, Defendants filed a "Reply" (Doc. 16), which the Court understands to be an assent to Plaintiff's request.

Since Plaintiff has already filed her Amended Complaint (Doc. 5), which currently acts as the operative complaint in this case, she "may amend [her] pleading only with the opposing party's written consent or the court's leave." Fed. R. Civ. P. 15(a)(2). Being fully advised of the premises, especially Defendants' apparent consent and the limited nature of the amendments sought, the Court **GRANTS** Plaintiff leave to file a second amended complaint **no later than May 14, 2010**. Said complaint shall only make the amendments referenced in Plaintiff's Response (Doc. 15). Consequently, the Court **DENIES** the instant motion (Doc. 12).

**IT IS SO ORDERED.  
DATED: May 5, 2010**

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**